

STATE OF NORTH DAKOTA
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF:)	RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
)	
Robert Lance Wilson, D.O.)	
)	
Application for a license to practice)	
Medicine in North Dakota)	
)	

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On December 29, 1999, Robert Lance Wilson, D.O., submitted to the North Dakota Board of Medical Examiners (“Board”) an application for a license to practice medicine in North Dakota. On March 24, 2000, the Board issued its Informal Decision to Deny Licensure regarding Wilson’s application. On April 12, 2000, the Board issued a Notice of Informal Decision to Wilson. The notice informed Wilson of his right to have a formal hearing on his application and informed him that he must request a formal hearing or the Board’s informal decision would become the final order of the Board. Wilson requested a formal hearing.

On May 2, 2000, the Board requested the designation of an administrative law judge (ALJ) from the Office of Administrative Hearings to conduct a hearing and to issue recommended findings of fact and conclusions of law, as well as a recommended order, in regard to the application. On May 4, 2000, ALJ Allen C. Hoberg was designated.

On, the June 14, 2000, the ALJ issued a Notice of Hearing. The hearing was held as scheduled on July 10, 2000, in the Office of Administrative Hearings, Bismarck, North Dakota. Wilson was not present at the hearing; neither was there anyone present representing him. Further, no one else appeared as a proponent of his application. The Board was represented at

the hearing by Special Assistant Attorney General John M. Olson. Also present were Mr. Rolf P. Sletten, Executive Secretary and Treasurer of the Board and Ms. Lynette Lewis.

FINDINGS OF FACT

1. Wilson has an application for a license to practice medicine pending with the Board, submitted by him on December 29, 1999.
2. On March 24, 2000, the Board issued its Informal Decision to Deny Licensure in regard to Wilson's application. In that decision the Board stated that its decision to deny was based on the fact that on October 9, 1998, Wilson's license to practice medicine in the State of Illinois was summarily suspended by the Illinois Department of Professional Regulation. The Board also stated that its decision was based on N.D.C.C. § 43-17-18(6), 43-17-31(6), and 43-17-31(15).
3. On April 12, 2000, the Board issued to Wilson a Notice of Informal Decision. The notice informed Wilson of his right to have a formal hearing on his application. The notice also informed Wilson that he must request a formal hearing on his application or the Board's informal decision would become final. Wilson requested a formal hearing.
4. The Board requested the designation of an ALJ from the Office of Administrative Hearings to conduct a formal hearing in regard to Wilson's application and to issue recommended findings of fact, conclusions of law and a recommended order in regard to Wilson's application. An ALJ was designated to preside.
5. During the scheduling of this matter Wilson informed OAH support staff that he wished to withdraw his request for a formal hearing. OAH support staff informed him that he must request a withdrawal in writing. Wilson did not respond. The ALJ issued a Notice of Hearing scheduling a hearing date. The notice was served on Wilson by certified and regular

mail. Wilson signed for the notice on the return receipt for the certified mail. Mr. Sletten also wrote to Wilson after the ALJ issued the Notice of Hearing. He asked Wilson to write to the ALJ if he did not want a hearing. June 19, 2000, letter of Rolf P. Sletten to Robert L. Wilson, D.O. Wilson did not respond to Mr. Sletten or contact the ALJ. Neither the ALJ nor the Board have heard anything from Wilson in regard to the hearing since the Notice of Hearing was issued.

6. Wilson did not appear at the hearing. Neither was Wilson represented by counsel or anyone else at the hearing. No one appeared at the hearing in support of Wilson's application.

7. At the hearing Mr. Olson offered exhibit 1, which was admitted. Exhibit 1 is documentation from the Illinois Department of Professional Regulation. It includes a Notice of Temporary Suspension, Petition for Temporary Suspension, Order, and Complaint. In the Order, dated October 9, 1998, Wilson's Illinois license is suspended in emergency action based on allegations of gross negligence and dishonorable, unethical, or unprofessional conduct, pending proceedings before the Medical Disciplinary Board of the State of Illinois. Mr. Olson asserted at the hearing that he recently learned that Wilson's license to practice medicine in the State of Illinois was revoked on June 6, 2000.

CONCLUSIONS OF LAW

1. Wilson has the burden of proof to show, by the preponderance of evidence, that he is entitled to the license that he seeks in making application to the Board. See N.D.C.C. § 43-17-18(6).

2. N.D.C.C. § 43-17-18(6) requires an applicant for a license to practice medicine in North Dakota to present evidence satisfactory to the Board indicating a history free of any

finding by the Board or any other state medical licensure board of any act which would constitute grounds for disciplinary action under N.D.C.C. ch. 43-17. Under N.D.C.C. §§ 43-17-31(6) and (15) the Board may take disciplinary action in North Dakota against Wilson based on Wilson's actions in Illinois. The state of Illinois did take disciplinary action against Wilson.

3. The Board took disciplinary action against Wilson in the form of an Informal Decision to Deny Licensure.

4. Although Wilson requested a formal hearing pursuant to the Board's issuance of a Notice of Informal Decision, he did not appear at the scheduled formal hearing.

5. Further, Wilson did not meet his burden of proof, showing that he is entitled to the application he seeks from the Board. He did not present any evidence to refute the Board's findings made in its Informal Decision to Deny Licensure.

RECOMMENDED ORDER

Wilson did not show, by the preponderance of the evidence that he is entitled to be granted a license to practice medicine in North Dakota. Further, Wilson defaulted on his request for a formal hearing in this matter and his request for a formal hearing is considered abandoned. Therefore, it is ORDERED that Wilson's application for a license to practice medicine in North Dakota be DENIED.

Dated at Bismarck, North Dakota, this 12th day of July, 2000.

State of North Dakota
Board of Medical Examiners

By: _____
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